

**TSRA’S SECOND CROSS MOTION
FOR SUMMARY JUDGMENT**

Intervenor-Defendant Treasure State Resources Association of Montana (“TSRA”), pursuant to Fed. R. Civ. P. 56, moves the Court for summary judgment dismissing Plaintiff Upper Missouri Waterkeeper’s (“Waterkeeper”) Amended Complaint with prejudice because there is no genuine issue as to any material fact and Defendants and Intervenor-Defendants are entitled to judgment as a matter of law.

This motion is supported by TSRA’s memorandum in support of its second cross motion for summary judgment and in opposition to Waterkeeper’s motion for summary judgment, filed herewith. TSRA fully agrees with and supports the relief requested by Defendant United States Environmental Protection Agency (“EPA”) and Intervenor-Defendant Montana Department of Environmental Quality (“DEQ”). TSRA files this separate brief to elaborate further on the importance and necessity of these variances to avoid untenable harm to the operational viability of TSRA’s members.

DATED this 21st day of September, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of September, 2018, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send the notification of filing to the attorneys of record and all registered participants.

DATED this 21st day of September, 2018

By: /s/ Mark Stermitz